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REMARKS

This amendment is responsive to the office action dated March 1, 2005.

Claims 1-17 were pending in the application. Claims 1-3 and 6-17 were rejected. Claims 4 and 5 were allowed by the Examiner.

By way of this amendment, the Applicant has submitted a replacement Abstract. Claims 1, 6 and 14 have been amended. Claims 9 and 15 have been canceled. Claims 18 and 19 are newly added. Claims 2-5 and 7, 8, 10-13 and 16-17 remain unchanged.

Accordingly, Claims 1-8, 10-14 and 16-19 are currently pending.

I. OBJECTION TO SPECIFICATION

The specification was objected to because the abstract was not presented in the proper language and format. The Applicant has revised the abstract by way of this Amendment and Response, placing the abstract into the correct format. Accordingly withdrawal of this objection is respectfully requested.

II. OBJECTION TO CLAIMS

Claims 1, 6, 14 and 15 were objected to for several informalities. The Applicant has amended claims 1, 6 and 14 in accordance with the required corrections identified in the Office Action. Claim 15 has been canceled. Accordingly, withdrawal of this objection is respectfully requested.

III. REJECTION OF CLAIMS 1-3, 6, 7 and 11 UNDER 35 USC 102

Claims 1-3, 6, 7 and 11 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 3,037,593 (Webster). The rejection stated that the invention in Webster discloses a fence system having two spaced vertical supports, each support having side walls with vertically spaced holes therein, rail connectors received in the holes including a receiver end that extends outwardly from the side wall of the vertical supports and two horizontally spaced support members received by the receiver end of the rail connectors receiver members. Further, the rejection stated that Webster discloses a panel supported in a groove in the horizontal supports and a fiberglass

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"fabric" fence panel and that in view of the Webster disclosure, the present invention is anticipated and therefore not patentable.

The Applicant has amended the claims of the present application to more specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of at least one retainer clip and at least one alignment pin that extend from the rear of the rail connector.

With regard to the disclosure of fiberglass being the equivalent of the "fabric" in the present invention, the Applicant respectfully disagrees. The disclosure in Webster discloses the formation of corrugated fence panels using fiberglass. For the fence panel to be corrugated, the fiberglass would have to be in a form that has some level of structural rigidity. Therefore, the fiberglass referred to in Webster is actually finished fiberglass wherein the woven glass fiber mat is wetted out with resin, formed into a corrugated panel and cured wherein the panel becomes rigid. This is the traditional concept of fiberglass that is well known to anyone skilled in the art. The disclosure provided in Webster is not directed as simply taking the woven glass fiber reinforcing fabric in its raw form and hanging it as a fence panel. Further this is not what is disclosed in the present invention. Further, when the reinforcing mat is in its raw form, it is a glass fabric not a polymer fabric. The addition of polymer resin to the reinforcing mat causes it to become rigid. The present invention instead discloses a woven polymer fabric in its finished form for use as a fence panel material.

Since the present invention, in the claims as amended, recites subject matter that is not disclosed in Webster, the rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

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IV. REJECTION OF CLAIMS 1, 6, 8-11 and 14-16 UNDER 35 USC 102

Claims 1, 6, 8-11 and 14-16 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 4,794,744 (Young). The rejection stated that the invention in Young discloses a fence system having two spaced vertical supports, each support having side walls with vertically spaced holes therein, rail connectors received in the holes including a receiver end that extends outwardly from the side wall of the vertical supports and two horizontally spaced support members received by the receiver end of the rail connectors receiver members. Further, the rejection stated that Young discloses a rail support with both a retention clip and a guide pin that are received into a hole in the vertical support and that in view of the Young disclosure, the present invention is anticipated and therefore not patentable.

The Applicant has amended the claims of the present application to more specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of at least one retainer clip and at least one alignment pin that extend from the rear of the rail connector.

The device in Young includes a rail connector that has a hook like attachment that extends around the face of the post and hooks into a hole therein. While this type configuration works well when the rail connector is formed from stamped metal. The polymer materials anticipated for use in the present invention would break easily if positioned in such a manner. Further, there is no guide pin shown as claimed by the Examiner. The rail connector in Young has a retention clip that engages the vertical support, however, that is the only portion of the rail connector that engages the vertical support, there is no guide pin shown or suggested. Further, it can easily be seen that the openings provided in the vertical support are tapered. When the retention clip in

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Young is placed into the hole, clearly this widened hole will allow the rail support to be rotated relative to the vertical support.

Since the present invention, in the claims as amended, recites subject matter that is not disclosed in Young, the rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

V. REJECTION OF CLAIM 12 UNDER 35 USC 103

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Webster in view of US Patent No. 5,702,090 (Edgman). The Examiner has stated that although Webster does not disclose the formation of the vertical and horizontal members from extruded vinyl or PVC, Edgman shows a fence system that includes vertical and horizontal members formed from extruded vinyl or PVC and that the present invention is obvious in light of the combination of these references.

As stated above in the comments related to Webster alone, the system disclosed in the claims as amended specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of at least one retainer clip and at least one alignment pin that extend from the rear of the rail connector.

The simple addition of Edgman for the disclosure of manufacturing various components of the fence from polymer materials does not overcome the deficiencies within the base Webster reference. Therefore, even if these references were combined, the present invention would not be the result. Since the claimed elements of the present invention are not disclosed or suggested in the combination cited, this combination

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cannot render the present invention obvious. Therefore, this rejection cannot be maintained. Reconsideration and withdrawal of this rejection is respectfully requested.

VI. REJECTION OF CLAIMS 12, 13 and 17 UNDER 35 USC 103

Claims 12, 13 and 17 were rejected under 35 USC 103(a) as being unpatentable over Young in view of US Patent No. 5,702,090 (Edgman). The Examiner has stated that although Webster does not disclose the formation of the vertical and horizontal members from extruded vinyl or PVC, Edgman shows a fence system that includes vertical and horizontal members formed from extruded vinyl or PVC and that the present invention is obvious in light of the combination of these references.

As stated above in the comments related to Young alone, the system disclosed in the claims as amended specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of at least one retainer clip and at least one alignment pin that extend from the rear of the rail connector.

The simple addition of Edgman for the disclosure of manufacturing various components of the fence from polymer materials does not overcome the deficiencies within the base Young reference. Therefore, even if these references were combined, the present invention would not be the result. Since the claimed elements of the present invention are not disclosed or suggested in the combination cited, this combination cannot render the present invention obvious. Therefore, this rejection cannot be maintained. Reconsideration and withdrawal of this rejection is respectfully requested.

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VII. ALLOWABLE SUBJECT MATTER

The Examiner indicated that Claims 4 and 5 were allowable..


VIII. CONCLUSION

Accordingly, claims 1-8, 10-14 and 16-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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